

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated May 17, 2007. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority documents.

In the Office Action, the disclosure is objected to for multiple alleged informalities.

With regard to recommended section headings, Applicants thank the Examiner for providing information about recommended section headings. However, Applicants respectfully decline to add the headings. Section headings are not statutorily required for filing a non-provisional patent application under 35 USC 111(a), but per 37 CFR 1.51(d) are only guidelines that are suggested for Applicants' use.

With regard to the specification not including a brief description of the drawings, the specification is amended herein to include the brief description of the drawings.

With regard to the first word in line 28 of page 3 of the specification being obscured, the corresponding paragraph is replaced by this amendment. Accordingly, it is respectfully submitted that specification is in proper form and it is respectfully requested that these objections be withdrawn.

By means of the present amendment, the specification and claims 1-11 are amended for better conformance to U.S. practice, such as beginning the dependent claims with "The" instead of "A" and changing "characterized in that" to --wherein--. Claims 1-11 are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

Claims 1-11 are rejected under 35 U.S.C. §112, second paragraph as being indefinite. Claims 1 and 2 are rejected for a lack of antecedence basis. Claim 1 has been amended to overcome the rejection and claims 1 and 2 now have a proper antecedence basis. Claims 3 and 7-8 have been amended in accordance with the Examiner's suggestion. Accordingly, since claims 3, 4, 6 and 9-11 depend from claim 1 and claim 1 is in proper form, it is respectfully submitted that claims 1-11 are now in proper form and it is respectfully requested that this rejection be withdrawn.

In the Office Action, claims 1-11 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent Publication No. 2002/0122981 to Ouwerkerk ('981). This rejection is respectfully traversed. It is respectfully submitted that the claims 1-11 are allowable over '981 for at least the following reasons.

'981 is directed to "hydrogen storage material comprising a magnesium-containing an intermetallic compound which can form a hydride with hydrogen." (E.g., see, abstract, lines 1-3.) In '981, there is no disclosure or suggestion of magnesium hydride stabilized in a fluorite structure.

It is respectfully submitted that the material of claim 1 is not anticipated by '981 or made obvious by the teachings of '981. For example, '981 does not disclose or suggest, a material that amongst other patentable elements, comprises (illustrative emphasis provided) "wherein the magnesium hydride is stabilized in a fluorite crystal structure" as required by claim 1 of the present application.

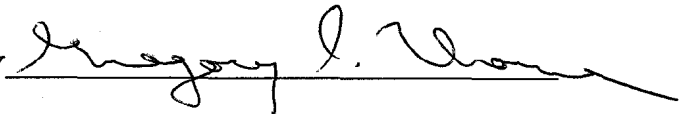
Based on the foregoing, the Applicants respectfully submit that independent claim 1 is patentable over '981 and notice to this effect is earnestly solicited. Claims 2-11 respectively depend from claim 1 and accordingly are allowable for at least this reason

as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
August 14, 2007

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101